

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TQ DELTA, LLC,

Plaintiff,

v.

**COMMSCOPE HOLDING COMPANY, INC.,
COMMSCOPE INC., ARRIS
INTERNATIONAL LIMITED, ARRIS
GLOBAL LTD., ARRIS US HOLDINGS, INC.,
ARRIS SOLUTIONS, INC., ARRIS
TECHNOLOGY, INC., and ARRIS
ENTERPRISES, LLC,**

Defendants.

CIV. A. NO. 2:21-CV-310-JRG
(Lead Case)

TQ DELTA, LLC,

Plaintiff,

v.

**NOKIA CORP., NOKIA SOLUTIONS AND
NETWORKS OY, and NOKIA OF AMERICA
CORP.,**

Defendants.

CIV. A. NO. 2:21-CV-309-JRG
(Member Case)

NOKIA OF AMERICA CORP.,

Third-Party Plaintiff,

v.

**BROADCOM CORP., BROADCOM INC., and
AVAGO TECHNOLOGIES
INTERNATIONAL SALES PTE. LTD.,**

*Third-Party
Defendants.*

**DECLARATION OF DARLENA SUBASHI IN SUPPORT OF DEFENDANTS'
RESPONSIVE CLAIM CONSTRUCTION BRIEF**

I, Darlena Subashi, hereby declare under penalty of perjury that:

1. I am an attorney at the law firm of Alston & Bird LLP, counsel for Defendants Nokia of America Corporation, Nokia Corporation, Nokia Solutions and Networks Oy (collectively, “Nokia”). I am a member in good standing of the Bars of New York, North Carolina, and Massachusetts and am admitted to practice before this Court. Except where otherwise indicated, I have personal knowledge of the facts stated herein and, if called as a witness, I could and would testify thereto.

2. Attached as Exhibit 1 is a true and correct copy of U.S. Patent No. 7,570,686.
3. Attached as Exhibit 2 is a true and correct copy of U.S. Patent No. 9,014,193.
4. Attached as Exhibit 3 is a true and correct copy of U.S. Patent No. 9,300,601.
5. Attached as Exhibit 4 is a true and correct copy of U.S. Patent No. 9,894,014.
6. Attached as Exhibit 5 is a true and correct copy of U.S. Patent No. 8,495,473.
7. Attached as Exhibit 6 is a true and correct copy of U.S. Patent No. 7,844,882.
8. Attached as Exhibit 7 is a true and correct copy of U.S. Patent No. 9,547,608.
9. Attached as Exhibit 8 is a true and correct copy of U.S. Patent No. 10,409,510.
10. Attached as Exhibit 9 is a true and correct copy of U.S. Patent No. 8,090,008.
11. Attached as Exhibit 10 is a true and correct copy of U.S. Patent No. 10,567,112.
12. Attached as Exhibit 11 is a true and correct copy of U.S. Patent No. 8,594,162.
13. Attached as Exhibit 12 is a true and correct copy of U.S. Patent No. 9,485,055.
14. Attached as Exhibit 13 is a true and correct copy of U.S. Patent No. 9,094,348.
15. Attached as Exhibit 14 is a true and correct copy of U.S. Patent No. 10,833,809.
16. Attached as Exhibit 15 is a true and correct copy of U.S. Patent No. 8,595,577.
17. Attached as Exhibit 16 is a true and correct copy of U.S. Patent No. 8,468,411.

18. Attached as Exhibit 17 is a true and correct copy of U.S. Patent No. 10,044,473.

19. Attached as Exhibit 18 is a true and correct copy of U.S. Patent No. 9,154,354.

20. Attached as Exhibit 19 is a true and correct copy of U.S. Patent No. 8,937,988.

21. Attached as Exhibit 20 is a true and correct copy of U.S. Patent No. 8,276,048.

22. Attached as Exhibit 21 is a true and correct copy of U.S. Patent No. 7,453,881.

23. Attached as Exhibit 22 is a true and correct copy of U.S. Patent No. 8,462,835.

24. Attached as Exhibit 23 is a true and correct copy of the Declaration of Bruce McNair Regarding Claim Construction. Highlighting has been added for the convenience of the Court.

25. Attached as Exhibit 24 is a true and correct copy of the Declaration of George A. Zimmerman, Ph.D. Regarding Claim Construction. Highlighting has been added for the convenience of the Court.

26. Attached as Exhibit 25 is a true and correct copy of the Declaration of Richard D. Wesel, Ph.D. Regarding Claim Construction. Highlighting has been added for the convenience of the Court.

27. Attached as Exhibit 26 is a true and correct copy of excerpts of U.S. Patent Provisional Application No. 60/164,134. Highlighting has been added for the convenience of the Court.

28. Attached as Exhibit 27 is a true and correct copy of excerpts of the Parties' Joint Claim Construction Brief for the Family 4 Patents from TQ Delta, LLC, v. 2Wire, Inc., No. 1:13-cv-01835, Dkt. 486 (Feb. 7, 2018) and related cases. Highlighting has been added for the convenience of the Court.

29. Attached as Exhibit 28 is a true and correct copy of excerpts of the transcript of the deposition of Dr. Todor Cooklev, dated April 8, 2022. Highlighting has been added for the convenience of the Court.

30. Attached as Exhibit 29 is a true and correct copy of excerpts of the Family 6 Claim Construction Memorandum Opinion in TQ Delta, LLC, v. 2Wire, Inc., No. 1:13-cv-01835, Dkt. 447 (July 3, 2018) and related cases. Highlighting has been added for the convenience of the Court.

31. Attached as Exhibit 30 is a true and correct copy of excerpts of the Family 2 Claim Construction Memorandum Opinion from TQ Delta, LLC, v. 2Wire, Inc., No. 1:13-cv-01835, Dkt. 486 (Feb. 7, 2018) and related cases. Highlighting has been added for the convenience of the Court.

32. Attached as Exhibit 31 is a true and correct copy of excerpts of TQ Delta's redlined Claim Chart for U.S. Patent No. 7,844,882 – F3 – VDSL2 – Nokia.

33. Attached as Exhibit 32 is a true and correct copy of excerpts of the Family 4 Claim Construction Memorandum Opinion from TQ Delta, LLC v. 2Wire, Inc., No. 1:13-cv-01835, Dkt. 477 (Jan. 29, 2018) and related cases. Highlighting has been added for the convenience of the Court.

34. Attached as Exhibit 33 is a true and correct copy of excerpts of the Declaration of Dr. Todor Cooklev in Support of Plaintiff's Opening Claim Construction Brief. Highlighting has been added for the convenience of the Court.

35. Attached as Exhibit 34 is a true and correct copy of excerpts of transcripts from the *Markman* hearing in TQ Delta, LLC v. ADTRAN, Inc., No. 1:14-cv-00954, Dkt. 1324 (Mar. 31, 2021). Highlighting has been added for the convenience of the Court.

36. Attached as Exhibit 35 is a true and correct copy of excerpts of the Family 1 Claim Construction Memorandum Opinion from TQ Delta, LLC v. 2Wire, Inc., No. 1:13-cv-01835, Dkt. 477 (Jan. 30, 2018). Highlighting has been added for the convenience of the Court.

37. Attached as Exhibit 36 is a true and correct copy of excerpts of the Claim Construction Order For The Family 6 Patents from TQ Delta, LLC v. 2Wire, Inc., No. 1:13-cv-01835, Dkt. 540 (July 24, 2018) and related cases. Highlighting has been added for the convenience of the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 6, 2022

Respectfully submitted,

/s/ Darlena Subashi
Darlena Subashi